



February 18, 2005

SENATE BILL No. 76

DIGEST OF SB 76 (Updated February 16, 2005 2:32 pm - DI 104)

Citations Affected: IC 16-34.

Synopsis: Abortion requirements. Requires a health care provider to provide a pregnant woman with information regarding the availability of ultrasound imaging and auscultation of heart tones of a fetus before performing an abortion on the pregnant woman. Allows a pregnant woman to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone before an abortion is performed.

Effective: July 1, 2005.

Young R Michael, Miller, Steele

January 4, 2005, read first time and referred to Committee on Health and Provider Services.
February 17, 2005, amended, reported favorably — Do Pass.

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SB 76—LS 6367/DI 104+



February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 76

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-34-2-1.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.1. **(a)** An abortion
3 shall not be performed except with the voluntary and informed consent
4 of the pregnant woman upon whom the abortion is to be performed.
5 Except in the case of a medical emergency, consent to an abortion is
6 voluntary and informed only if the following conditions are met:
7 (1) At least eighteen (18) hours before the abortion and in the
8 presence of the pregnant woman, the physician who is to perform
9 the abortion, the referring physician or a physician assistant (as
10 defined in IC 25-27.5-2-10), an advanced practice nurse (as
11 defined in IC 25-23-1-1(b)), or a midwife (as defined in
12 IC 34-18-2-19) to whom the responsibility has been delegated by
13 the physician who is to perform the abortion or the referring
14 physician has orally informed the pregnant woman of the
15 following:
16 (A) The name of the physician performing the abortion.
17 (B) The nature of the proposed procedure or treatment.

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(C) The risks of and alternatives to the procedure or treatment.

(D) The probable gestational age of the fetus, including an offer to provide:

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(3) The pregnant woman certifies in writing, before the abortion is performed, that the information required by subdivisions (1) and (2) has been provided.

(b) Before an abortion is performed, the pregnant woman may, upon the pregnant woman's request, view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible.

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SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor
of Senate Bill 76.

YOUNG R MICHAEL

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 76, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 29, delete "may" and insert "**may, upon the pregnant woman's request,**".

Page 2, line 31, delete "tone." and insert "**tone if the fetal heart tone is audible.**".

and when so amended that said bill do pass.

(Reference is to SB 76 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 3.

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